

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(Reading)**

IN RE:

Deborah M. Bebko

Debtor

CHAPTER 13

CASE NO.: 19-15281-pmm

**OBJECTION OF WILMINGTON TRUST, NATIONAL ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR MFRA TRUST 2014-2 TO
THE CONFIRMATION OF THE DEBTOR'S CHAPTER 13 PLAN**

Movant, Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2, by its attorneys Hill Wallack LLP, hereby objects to the confirmation of the Debtor's Chapter 13 Plan as follows:

1. Wilmington Trust, National Association, not in its individual capacity, but solely as Trustee for MFRA Trust 2014-2 (hereafter "Wilmington") holds a claim with respect to the real property known as 115 E Walnut Street, Ephrata, Pennsylvania 17522 ("Property"), which is docketed with this Court as Claim #11, in the amount of \$173,023.97, including arrears in the amount of \$43,843.53.

2. On September 29, 2020, this Court awarded Wilmington stay relief after hearing oral arguments as to the Debtor's failure to remit timely mortgage payments.

3. As a consequence of the relief Order, Wilmington proceeded with its efforts before the state court to enforce its Note and Mortgage, which form the basis of its final judgment in foreclosure.

4. A sheriff's sale is currently scheduled to take place on July 28, 2021.

5. Despite this, on May 5, 2021, Debtor filed a Third Amended Chapter 13 Plan, which proposes a sale of the Property within 24 months of the commencement of this bankruptcy case, which deadline would be August 23, 2021.

6. The Third Amended Plan does not reflect that Wilmington has already been awarded stay relief or provide for adequate protection payments to be made to Wilmington while in the process of trying to sell the Property.

7. Moreover, despite the Third Amended Plan proposing to pay Wilmington's claim in full through the proceeds of said sale, Debtor has since filed a Motion to Sell, proposing a short sale of the Property in violation of 11 U.S.C. § 363(f). *See* Doc 81.

8. Wilmington has already rejected Debtor's untimely efforts to request a short sale approval for said alleged transaction that will not close for nearly three (3) months, and as such, will not consent to said short sale as required under 11 U.S.C. § 363(f)(2).

9. If the Plan is confirmed, Wilmington may suffer irreparable injury, loss, and damage.

Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2, Movant, respectfully requests that this Honorable Court deny confirmation of the Debtor's Third Amended Chapter 13 Plan and enter a bar on any further filings of Chapter 13 by the Debtor.

Respectfully submitted,

By: /s/ Angela C. Pattison, Esq.
Angela C. Pattison, Esq.,
Attorney ID 307611
Hill Wallack, LLP
777 Township Line Road, Suite 250
Yardley, PA 19067
Telephone 267-759-2077
Facsimile 215-579-9248
Email: apattison@hillwallack.com

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(Reading)**

IN RE:

Deborah M. Bebko

Debtor

CHAPTER 13

CASE NO.: 19-15281-pmm

ORDER

AND NOW, this day of , 2021, upon consideration of the Debtor's Third Amended Chapter 13 Plan, and the objection of Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2, and after hearing, it is hereby:

ORDERED that confirmation of the Debtor's Chapter 13 Plan is denied.

BY THE COURT:

Patricia M. Mayer
U.S. Bankruptcy Judge

Deborah M. Bebko
115 E. Walnut Street
Ephrata, PA 17522
Debtor
Via Regular Mail

John A. Digiamberardino
845 North Park Road
Suite 101
Wyomissing, PA 19610
Counsel for Debtor
Via ECF

Office of the U.S. Trustee
200 Chestnut Street
Suite 502
Philadelphia, PA 19106
United States Trustee
Via ECF

Scott F. Waterman
2901 St. Lawrence Ave
Suite 100
Reading, PA 19606
Chapter 13 Trustee
Via ECF

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(Reading)**

IN RE:

Deborah M. Bebko

Debtor

CHAPTER 13

CASE NO.: 19-15281-pmm

CERTIFICATE OF SERVICE

I hereby certify that service was made upon all interested parties, indicated below of (i) Opposition of WILMINGTON TRUST, NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR MFRA TRUST 2014-2 in the manner indicated below on June 4, 2021:

Deborah M. Bebko
115 E. Walnut Street
Ephrata, PA 17522
Debtor
Via Regular Mail

John A. Digiamberardino
845 North Park Road
Suite 101
Wyomissing, PA 19610
Counsel for Debtor
Via ECF

Office of the U.S. Trustee
200 Chestnut Street
Suite 502
Philadelphia, PA 19106
United States Trustee
Via ECF

Scott F. Waterman
2901 St. Lawrence Ave
Suite 100
Reading, PA 19606
Chapter 13 Trustee
Via ECF

By: /s/ Angela C. Pattison
Angela C. Pattison, Esq.,
Attorney ID 307611
Hill Wallack, LLP
777 Township Line Road, Suite 250
Yardley, PA 19067
Telephone 267-759-2077
Facsimile 215-579-9248
Email: apattison@hillwallack.com